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10/023,873	12/21/2001	Takashi Yagita	35.C16076	4668

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EXAMINER	
LEE, TOMMY D	
ART UNIT	PAPER NUMBER
2625	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/023,873	YAGITA, TAKASHI	
	Examiner	Art Unit	
	Thomas D. Lee	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 October 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5,8-14,16-20,23-29,31 and 35-39* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,8-14,16-20,23-29,31 and 35-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *10/27/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This Office action is responsive to applicant's amendment filed October 27, 2006. Claims 1-5, 8-14, 16-20, 23-29, 31 and 35-39 are pending.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-5, 8-14, 16-20, 23-29, 31 and 35-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2002/0001495 (Mochizuki) in view of U.S. Patent 4,876,606 (Banno et al., hereinafter Banno).

Regarding claim 1, Mochizuki discloses an information processing apparatus (see Figs.1-5, host 10) comprising a holding unit adapted to hold print data (paragraphs 0047-0048), an issuing unit adapted to issue reference information corresponding to the print data held by the holding unit, to both of a first printing apparatus and a second printing apparatus (paragraphs 0010, 0041, and 0045), a first receiving unit adapted to receive an acquisition request of the print data transmitted from the first printing apparatus on the basis of the reference information (retrieval response packet received from printer in step S9, print response packet received from printer in step S15 (paragraph 0045)), a first transmission unit adapted to transmit the print data to the first printing apparatus in response to the acquisition request received by said first receiving unit (print response packet accepted by host, print processing entered in step S19 (paragraph 0045)), a judgment unit adapted to judge whether or not the transmission of

the print data by said first transmission unit succeeded (flag indicative of print disabled set up by printer in the event that the printer cannot accept any print request (paragraph 0053)), and a second receiving unit adapted to receive an acquisition request of the print data transmitted from the second printing apparatus on the basis of the reference information (response from a plurality of printers (paragraph 0045)).

Mochizuki does not disclose a second transmission unit adapted to not transmit the data to the second printing apparatus in response to the acquisition request transmitted from the second printing apparatus in a case where it is judged by said judgment unit that the transmission of the print data succeeded, and adapted to transmit the data to the second printing apparatus in a case where it is not judged by said judgment unit that the transmission of the print data succeeded. Banno discloses an image forming system where a host system is connected to plural printers (Fig. 2). The host system determines status information from a first printer, and executes a print job if the status information from the first printer allows for successful execution; otherwise the host system determines status information from a second printer (Fig. 4; column 6, lines 34-57). It would have been obvious to one of ordinary skill in the art that prohibiting printing at the second printer when the first printer is able to successfully execute the print job prevents unnecessary duplicate printing at the second printer and saves paper and ink or toner for other jobs. Furthermore, it would have been obvious to one of ordinary skill in the art that enabling printing at the second printer when the first printer is unable to successfully execute the print job increases the likelihood that a job will be successfully completed, since more than one printer is available to carry out the

job. Therefore, it would have been obvious for one of ordinary skill in the art to modify the teaching of Mochizuki by providing transmission or non-transmission of print data to the second printer based on whether the first printer is able to successfully execute the print job, as disclosed in Banno.

Regarding claim 2, Mochizuki discloses the apparatus discussed above in claim 1, and further teaches that the issuing unit is a Web server function processing means (paragraphs 0040-0041).

Regarding claim 3, Mochizuki discloses the apparatus discussed above in claim 1, and further teaches that the print data is transmitted via the predetermined communication medium (paragraphs 0041, 0045, 0047-0048), the apparatus further comprising a third receiving unit adapted to receive print data that is transmitted via a predetermined communication medium (paragraphs 0041, 0045, 0047-0048), wherein the holding unit holds print data received by the third receiving unit and the issuing unit issues reference information for performing pull print corresponding to the print data held in the holding unit (paragraphs 0041, 0045, 0047-0048).

Regarding claim 4, Mochizuki discloses the apparatus discussed above in claim 1, and further teaches of a notifying unit adapted to notify a second information processing apparatus, which is made communicatable via a predetermined communication medium, of the reference information (paragraphs 0041, 0045, 0047-0048).

Regarding claim 5, Mochizuki discloses the apparatus discussed above in claim 1, and further teaches of a recognizing unit adapted to recognize whether or not the

printing apparatus that is made communicatable via the predetermined communication medium corresponds to pull print (paragraphs 0041,0045, 0047-0048), and a determining unit adapted to determine whether a print request for push print or a print request for pull print is issued to the printing apparatus according to recognition of the recognizing unit (paragraphs 0041, 0045, 0047-0048).

Regarding claim 8, Mochizuki discloses the apparatus discussed above in claim 2, and further teaches that the predetermined protocol is an Internet printing protocol (paragraphs 0040- 0041).

Regarding claim 9, Mochizuki discloses the apparatus discussed above in claim 2, and further teaches that a print request in compliance with the predetermined protocol is a Pull request for obtaining the print data (paragraphs 0040-0041, 0045, 0047-0048), and the Pull request includes at least a GET method of an HTTP protocol or a get subcommand of an FTP protocol (paragraphs 0040-0045).

Regarding claim 10, Mochizuki discloses the apparatus discussed above in claim 1, and further teaches that the reference information for performing pull print is information for specifying a storing place of print data stored in a storage unit and includes at least a URL (paragraphs 0040-0041, and 0048).

Regarding claim 11, Mochizuki discloses the apparatus discussed above in claim 1, and further teaches of deleting unit adapted to delete the print data held in the holding means according to a response from the print apparatus to which the print data is transferred (paragraphs 0050-0052, and 0055-0056).

Regarding claim 12, Mochizuki discloses the apparatus discussed above in claim 11, and further teaches that the deleting unit recognizes information for instruction whether or not the print data held in the holding unit is to be deleted and controls to switch whether or not the print data is to be deleted according to the recognition (paragraphs 0050-0052, and 0055-0056).

Regarding claim 13, Mochizuki discloses the apparatus discussed above in claim 2, and further teaches that the Web server function processing unit manages the print data held in the holding unit and starts server function processing for performing Web server function processing in compliance with a predetermined protocol when a print request is issued from an application to a printing system (paragraphs 0040-0041, 0045, 0047-0048).

Regarding claim 14, Mochizuki discloses the apparatus discussed above in claim 13, and further teaches that the printing system includes a printer driver and a print spooler (paragraph 0041, see Fig. 7).

Regarding claim 16, Mochizuki discloses an information processing method (see Figs. 1- 5, host 10) comprising a step of holding print data (paragraphs 0047-0048), a step of issuing reference information corresponding to the print data held in the holding step, to both of a first printing apparatus and a second printing apparatus (paragraphs 0010, 0041, and 0045), a first receiving step of receiving an acquisition request of the print data transmitted from the first printing apparatus on the basis of the reference information (retrieval response packet received from printer in step S9, print response packet received from printer in step S15 (paragraph 0045)), a first transmitting step of

transmitting the print data to the first printing apparatus in response to the acquisition request received in said first receiving step (print response packet accepted by host, print processing entered in step S19 (paragraph 0045)), a judging step of judging whether or not the transmission of the print data in said first transmission step succeeded (flag indicative of print disabled set up by printer in the event that the printer cannot accept any print request (paragraph 0053)), and a second receiving step of receiving an acquisition request of the print data transmitted from the second printing apparatus on the basis of the reference information (response from a plurality of printers (paragraph 0045)).

Mochizuki does not disclose a second transmission step of not transmitting the data to the second printing apparatus in response to the acquisition request transmitted from the second printing apparatus in a case where it is judged in said judging step that the transmission of the print data succeeded, and transmitting the data to the second printing apparatus in response to the acquisition request transmitted form the second printing apparatus in a case where it is not judged in said judging step that the transmission of the print data succeeded. Banno discloses an image forming system where a host system is connected to plural printers (Fig. 2). The host system determines status information from a first printer, and executes a print job if the status information from the first printer allows for successful execution; otherwise the host system determines status information from a second printer (Fig. 4; column 6, lines 34-57). It would have been obvious to one of ordinary skill in the art that prohibiting printing at the second printer when the first printer is able to successfully execute the print job

prevents unnecessary duplicate printing at the second printer and saves paper and ink or toner for other jobs. Furthermore, it would have been obvious to one of ordinary skill in the art that enabling printing at the second printer when the first printer is unable to successfully execute the print job increases the likelihood that a job will be successfully completed, since more than one printer is available to carry out the job. Therefore, it would have been obvious for one of ordinary skill in the art to modify the teaching of Mochizuki by providing transmission or non-transmission of print data to the second printer based on whether the first printer is able to successfully execute the print job, as disclosed in Banno.

Regarding claim 17, Mochizuki discloses the method discussed above in claim 16, and further teaches that the issuing step is a Web server function processing step in compliance with a predetermined protocol (paragraphs 0040-0041).

Regarding claim 18, Mochizuki discloses the method discussed above in claim 16, and further teaches that the print data is transmitted via the predetermined communication medium (paragraphs 0041, 0045, 0047-0048), the method further comprising a step of receiving prim data that is transmitted via a predetermined communication medium (paragraphs 0041, 0045, 0047- 0048), wherein the holding step holds print data received in the receiving step and the issuing step issues reference information for performing pull print corresponding to the print data held in the holding step (paragraphs 0041, 0045, 0047-0048).

Regarding claim 19, Mochizuki discloses the method discussed above in claim 16, and further teaches of a step of notifying a second information processing

apparatus, which is made communicatable via a predetermined communication medium, of the reference information (paragraphs 0041, 0045, 0047-0048).

Regarding claim 20, Mochizuki discloses the method discussed above in claim 16, and further teaches of a step of recognizing whether or not the printing apparatus that is made communicatable via the predetermined communication medium corresponds to pull print (paragraphs 0041, 0045, 0047-0048), and a step of determining whether a print request for push print or a print request for pull print is issued to the printing apparatus according to recognition of the recognizing step (paragraphs 0041, 0045, 0047-0048).

Regarding claim 23, Mochizuki discloses the method discussed above in claim 17, and further teaches that the predetermined protocol is an Internet printing protocol (paragraphs 0040- 0041).

Regarding claim 24, Mochizuki discloses the method discussed above in claim 17, and further teaches that a print request in compliance with the predetermined protocol is a Pull request for obtaining the print data (paragraphs 0040-0041, 0045, 0047-0048), and the Pull request includes at least a GET method of an HTTP protocol or a get subcommand of an FTP protocol (paragraphs 0040-0045).

Regarding claim 25, Mochizuki discloses the method discussed above in claim 16, and further teaches that the reference information for performing pull print is information for specifying a storing place of print data stored in a storage unit and includes at least a URL (paragraphs 0040-0041, and 0048).

Regarding claim 26, Mochizuki discloses the method discussed above in claim 16, and further teaches of a step of deleting the print data held in the holding step according to a response from the print apparatus to which the print data is transferred (paragraphs 0050-0052, and 0055- 0056).

Regarding claim 27, Mochizuki discloses the method discussed above in claim 26, and further teaches that the deleting step recognizes information for instruction whether or not the print data held in the holding step is to be deleted and controls to switch whether or not the print data is to be deleted according to the recognition (paragraphs 0050-0052, and 0055-0056).

Regarding claim 28, Mochizuki discloses the method discussed above in claim 17, and further teaches that the Web server function processing step manages the print data held in the holding step and starts server function processing for performing Web server function processing in compliance with a predetermined protocol when a print request is issued from an application to a printing system (paragraphs 0040-0041, 0045, 0047-0048).

Regarding claim 29, Mochizuki discloses the method discussed above in claim 28, and further teaches that the printing system includes a printer driver and a print spooler (paragraph 0041, see Fig. 7).

Regarding claim 31, Mochizuki discloses a computer readable storage medium storing a program (see Figs. 1-5, application unit 16 in host 10, paragraph 0041) for executing a step of holding print data (paragraphs 0047-0048), a step of issuing reference information corresponding to the print data held in the holding step, to both of

a first printing apparatus and a second printing apparatus (paragraphs 0010, 0041, and 0045), a first receiving step of receiving an acquisition request of the print data transmitted from the first printing apparatus on the basis of the reference information (retrieval response packet received from printer in step S9, print response packet received from printer in step S15 (paragraph 0045)), a first transmitting step of transmitting the print data to the first printing apparatus in response to the acquisition request received in said first receiving step (print response packet accepted by host, print processing entered in step S19 (paragraph 0045)), a judging step of judging whether or not the transmission of the print data in said first transmitting step succeeded (flag indicative of print disabled set up by printer in the event that the printer cannot accept any print request (paragraph 0053)), and a second receiving step of receiving an acquisition request of the print data transmitted from the second printing apparatus on the basis of the reference information (response from a plurality of printers (paragraph 0045)).

Mochizuki does not disclose a second transmitting step of not transmitting the data to the second printing apparatus in response to the acquisition request transmitted from the second printing apparatus in a case where it is judged in said judging step that the transmission of the print data succeeded, and transmitting the data to the second printing apparatus in response to the acquisition request transmitted from the second printing apparatus in a case where it is not judged in said judging step that the transmission of the print data succeeded. Banno discloses an image forming system where a host system is connected to plural printers (Fig. 2). The host system

determines status information from a first printer, and executes a print job if the status information from the first printer allows for successful execution; otherwise the host system determines status information from a second printer (Fig. 4; column 6, lines 34-57). It would have been obvious to one of ordinary skill in the art that prohibiting printing at the second printer when the first printer is able to successfully execute the print job prevents unnecessary duplicate printing at the second printer and saves paper and ink or toner for other jobs. Furthermore, it would have been obvious to one of ordinary skill in the art that enabling printing at the second printer when the first printer is unable to successfully execute the print job increases the likelihood that a job will be successfully completed, since more than one printer is available to carry out the job. Therefore, it would have been obvious for one of ordinary skill in the art to modify the teaching of Mochizuki by providing transmission or non-transmission of print data to the second printer based on whether the first printer is able to successfully execute the print job, as disclosed in Banno.9

Regarding claim 35, Mochizuki discloses the apparatus discussed above in claim 1, and further teaches that the second transmission unit transmits an error to the second printing apparatus in response to the acquisition request transmitted from the second printing apparatus in the case where it is judged by said judgment unit that the transmission of the print data succeeded (paragraphs 0040-004 I, 0045, 0047-0048).

Regarding claim 36, Mochizuki discloses the method discussed above in claim 16, and further teaches that the second transmission control step transmits an error to the second printing apparatus in response to the acquisition request transmitted in the

second transmission control step in the case where it is judged in said judging step that the transmission of the print data succeeded (paragraphs 0040-0041, 0045, 0047-0048).

Regarding claim 37, Mochizuki discloses an information processing apparatus (see Figs. 1-5, host 10) comprising a holding unit adapted to hold print data (paragraphs 0047-0048), an issuing unit adapted to issue reference information corresponding to the print data held by the holding unit, to a plurality of printing apparatuses (paragraphs 0010, 0041, and 0045), a receiving unit adapted to receive an acquisition request of the print data, transmitted from any of the plurality of printing apparatuses based on the reference information (paragraphs 0040-0041, 0045, 0047-0048), a judging unit adapted to judge whether or not the acquisition request received by the receiving unit is the acquisition request first received in regard to the print data (paragraphs 0040-0041, 0045, 0047-0048), and a transmission control unit adapted to control to transmit the print data to the printing apparatus which transmitted the acquisition request in a case where it is judged by the judging unit that the received acquisition request is the first-received acquisition request (paragraphs 0010, 0041, and 0045), and not to transmit the print data to the printing apparatus which transmitted the acquisition request in a case where it is not judged by the judging unit that the received acquisition request is the first-received acquisition request and transmission of the print data to another printing apparatus has been completed (paragraphs 0010, 0041, and 0045).

Mochizuki does not disclose transmission of the print data to the printing apparatus which transmitted the acquisition request in a case where it is not judged by

said judging unit that the received acquisition request is the first-received acquisition request and transmission of the print data to another printing apparatus failed. As mentioned above with respect to claim 1, Banno discloses an image forming system where a host system is connected to plural printers (Fig. 2). The host system determines status information from a first printer, and executes a print job if the status information from the first printer allows for successful execution; otherwise the host system determines status information from a second printer (Fig. 4; column 6, lines 34-57). It would have been obvious to one of ordinary skill in the art that prohibiting printing at the second printer when the first printer is able to successfully execute the print job prevents unnecessary duplicate printing at the second printer and saves paper and ink or toner for other jobs. Furthermore, it would have been obvious to one of ordinary skill in the art that enabling printing at the second printer when the first printer is unable to successfully execute the print job increases the likelihood that a job will be successfully completed, since more than one printer is available to carry out the job. Therefore, it would have been obvious for one of ordinary skill in the art to modify the teaching of Mochizuki by providing transmission or non-transmission of print data to the second printer based on whether the first printer is able to successfully execute the print job, as disclosed in Banno.

Regarding claim 38, Mochizuki discloses an information processing method (see Figs. 1- 5, host 10) comprising a holding step of holding print data (paragraphs 0047-0048), an issuing step of issuing reference information corresponding to the print data held in the holding step, to a plurality of printing apparatuses (paragraphs 0010, 0041,

and 0045), a receiving step of receiving an acquisition request of the print data, transmitted from any of the plurality of printing apparatuses based on the reference information (paragraphs 0040-0041, 0045, 0047-0048), a judging step of judging whether or not the acquisition request received in the receiving step is the acquisition request first received in regard to the print data (paragraphs 0040-0041, 0045, 0047-0048), and a transmission control step of transmitting the print data to the printing apparatus which transmitted the acquisition request in a case where it is judged in the judging step that the received acquisition request is the first-received acquisition request (paragraphs 0010, 0041, and 0045), and not to transmit the print data to the printing apparatus which transmitted the acquisition request in a case where it is not judged in the judging step that the received acquisition request is the first-received acquisition request and transmission of the print data to another printing apparatus has been completed (paragraphs 0010, 0041, and 0045).

Mochizuki does not disclose transmission of the print data to the printing apparatus which transmitted the acquisition request in a case where it is not judged by said judging unit that the received acquisition request is the first-received acquisition request and transmission of the print data to another printing apparatus failed. As mentioned above with respect to claim 1, Banno discloses an image forming system where a host system is connected to plural printers (Fig. 2). The host system determines status information from a first printer, and executes a print job if the status information from the first printer allows for successful execution; otherwise the host system determines status information from a second printer (Fig. 4; column 6, lines 34-

57). It would have been obvious to one of ordinary skill in the art that prohibiting printing at the second printer when the first printer is able to successfully execute the print job prevents unnecessary duplicate printing at the second printer and saves paper and ink or toner for other jobs. Furthermore, it would have been obvious to one of ordinary skill in the art that enabling printing at the second printer when the first printer is unable to successfully execute the print job increases the likelihood that a job will be successfully completed, since more than one printer is available to carry out the job. Therefore, it would have been obvious for one of ordinary skill in the art to modify the teaching of Mochizuki by providing transmission or non-transmission of print data to the second printer based on whether the first printer is able to successfully execute the print job, as disclosed in Banno.

Regarding claim 39, Mochizuki discloses a storage medium which stores a computer readable program (see Figs. 1-5, application unit 16 in host 10, paragraph 0041) for executing an information processing method comprising a holding step of holding print data (paragraphs 0047-0048), an issuing step of issuing reference information corresponding to the print data held in the holding step, to a plurality of printing apparatuses (paragraphs 0010, 0041, and 0045), a receiving step of receiving an acquisition request of the print data, transmitted from any of the plurality of printing apparatuses based on the reference information (paragraphs 0040-0041, 0045, 0047-0048), a judging step of judging whether or not the acquisition request received in the receiving step is the acquisition request first received in regard to the print data (paragraphs 0040-0041, 0045, 0047-0048), and a transmission control step of

transmitting the print data to the printing apparatus which transmitted the acquisition request in a case where it is judged in the judging step that the received acquisition request is the first-received acquisition request (paragraphs 0010, 0041, and 0045), and not to transmit the print data to the printing apparatus which transmitted the acquisition request in a case where it is not judged in the judging step that the received acquisition request is the first-received acquisition request and transmission of the print data to another printing apparatus has been completed (paragraphs 0010, 0041, and 0045).

Mochizuki does not disclose transmission of the print data to the printing apparatus which transmitted the acquisition request in a case where it is not judged by said judging unit that the received acquisition request is the first-received acquisition request and transmission of the print data to another printing apparatus failed. As mentioned above with respect to claim 1, Banno discloses an image forming system where a host system is connected to plural printers (Fig. 2). The host system determines status information from a first printer, and executes a print job if the status information from the first printer allows for successful execution; otherwise the host system determines status information from a second printer (Fig. 4; column 6, lines 34-57). It would have been obvious to one of ordinary skill in the art that prohibiting printing at the second printer when the first printer is able to successfully execute the print job prevents unnecessary duplicate printing at the second printer and saves paper and ink or toner for other jobs. Furthermore, it would have been obvious to one of ordinary skill in the art that enabling printing at the second printer when the first printer is unable to successfully execute the print job increases the likelihood that a job will be successfully

completed, since more than one printer is available to carry out the job. Therefore, it would have been obvious for one of ordinary skill in the art to modify the teaching of Mochizuki by providing transmission or non-transmission of print data to the second printer based on whether the first printer is able to successfully execute the print job, as disclosed in Banno.

Response to Arguments

4. Applicant's arguments filed in response to the prior rejection of the above claims as set forth in the Office action mailed July 27, 2006 have been fully considered but they are not persuasive.

In response to the prior rejection of the claims, applicant has amended independent claims 1, 16, 31 and 37-39 to indicate that print data is not transmitted to a second printing apparatus when it is judged that the transmission of the print data to a first printing apparatus succeeded, and is transmitted to the second printing apparatus when it is not judged that the transmission of the print data to the first printing apparatus succeeded. Applicant asserts that Mochizuki does not judge whether the transmission of print data by a first transmission unit succeeded. Applicant also asserts that Mochizuki does not disclose non-transmission of the data to a second printing apparatus when the transmission of the data succeeded, and transmission of the data to the second printing apparatus when it is not judged that the transmission of the print data succeeded (current amendment: pages 15-18). These limitations, while not disclosed in Mochizuki, are taught by Banno, as mentioned above with respect to the independent claims.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas D. Lee whose telephone number is (571) 272-7436. The examiner can normally be reached on Monday-Friday, 7:30-5:00, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (571) 272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thomas D Lee
Primary Examiner
Technology Division 2625

tdl
January 3, 2007